

REMARKS

This Amendment is being filed in response to the Office Action mailed July 28, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended for better conformance to U.S. practice.

In the Office Action, claims 2 and 4-6 are objected to for certain informalities. In response, claims 1-10 have been amended for better clarity, including correction of the informalities noted by the Examiner, as well as beginning the dependent claims with 'The' instead of 'A', and changing "characterized in that" to "--wherein--". Claims 1-10 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. It is respectfully submitted that objection to claims 2 and 4-6 has been overcome, and withdrawal of this objection is respectfully requested.

In the Office Action, claims 2 and 4-6 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Without agreeing with the Examiner, and in the interest of advancing prosecution, claims 2 and 4-6 have been amended to remove the informalities noted by the Examiner. It is respectfully submitted that the rejection of claims 2 and 4-6 has been overcome and an indication as such is respectfully requested.

In the Office Action, claims 1-2 and 4-10 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,670,765 (Muto). Further, claim 3 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Muto in view of U.S. Patent No. 4,047,069 (Akutsu). It is respectfully submitted that claims 1-15 are patentable over Muto and Akutsu for at least the following reasons.

Muto is directed to a metal halide discharge lamp having a discharge vessel that includes xenon and metal halide where even if the input power is varied, sudden unintentional extinguishment does not occur, and a varying range of light color can be narrowed. As recited on column 9, lines 39-41, the metal halide includes NaI, ScI₃ and InI, where the mole fraction of ScI₃ relative NaI is 0.35,

and the mole percent of InI relative to NaI is 10.3 mol%.

It is respectfully submitted that the various amounts of compounds of the metal halide mixtures in Muto are given in terms of percent mole relative to NaI.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claim 9, amongst other patentable elements, requires (illustrative emphasis provided):

a metal halide mixture comprising:
40 to 80% by weight of sodium halide,
25 to 55% by weight of scandium halide,
1 to 15% by weight of indium halide, and
0 to 34% by weight of thallium halide.

Such a mixture where individual components are given in terms of percent weight is nowhere taught or suggested in Muto. Rather, Muto teaches percent or fractions in moles relative to NaI. A mixture specified in terms of percentage weight is nowhere taught or suggested in Muto, let alone the particular percentages recited in independent claims 1 and 9. Akutsu is cited to allegedly show other features and does not remedy the deficiencies in Muto.

Accordingly, it is respectfully submitted that independent claims 1 and 9 is allowable, and allowance thereof is respectfully

requested. In addition, it is respectfully submitted that claims 2-8 and 10-14 should also be allowed based at least on their dependence from independent claim 1.

Claims 3-4 and 12-13 also includes patentable features. As correctly noted by the Examiner on page 8 of the Office Action, Muto does not teach or suggest an outer bulb including neodymium, as recited in claim 3. Column 3, lines 47-58 of Akutsu is cited in an attempt to remedy this deficiency in Muto. It is respectfully submitted that this section of Akutsu merely recites coating the outer bulb with neodymium oxide mixed with phosphor powder. It is respectfully submitted that the particular recitation of claim 3, namely neodymium oxide being "substantially 2 to 20% by weight with respect to the total weight of the outer bulb" is nowhere taught or suggest in Muto, Akutsu, and combination thereof.

FIGs 7-8 and column 10, lines 21-25 of Muto are cited in rejecting claim 4 on page 6 of the Office Action. It is respectfully submitted that these sections of Muto are completely silent about the particular color temperature ranges recited in claims 4 and 13.

Further, Muto shows in FIG 8 a chromaticity change of light

color emitted from the Muto lamp operating from 14 watts to 35 watts. It is respectfully submitted that Muto, such as in FIG 8, does not teach or suggest a lamp having the particular mixture recited in claim 1 and emitting light having a color point in the CIE 1931 diagram with an X-color coordinate in a range from 0.355 to 0.360, and a Y-color coordinate in a range from 0.350 to 0.375, as recited in claim 12.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related

to any fees paid in connection with the accompanying amendment to
Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the
present application is in condition for allowance, and a Notice of
Allowance is earnestly solicited.

Respectfully submitted,

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Enclosure: New Abstract

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